IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

Tr.P(Crl.).No. 100 of 2006()

CC.252/2005 of J.M.F.C.,AMBALAPUZHA

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PETITIONER: COMPLAINANT:

ANITHA KOMALA NAIR,
W/O.DR.T. VIMAL KUMAR, T.C.12/128,
OPP.NEW TECK MARUTI SERVICE CENTRE,
AKKULAM ROAD, ULLOOR, MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM-695 011, KERALA.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR

RESPONDENTS: STATE & ACCUSED:

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1. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. P. THANKKAPPAN PILLAI,
PADINJARE PUTHEN PURAKKAL, ANAPRAMPAL (NORTH)
THALAVADI, ALAPPLUZHA-689 572, KERALA.

3. MEENAKSHI AMMA, PADINJARE PUTHEN
PURAKKAL, ANAPRAMPAL (NORTH),
THALAVADI, ALAPPLUZHA-689 572, KERALA.

4. M. SATHI DEVI, W/O.B. GOPAKUMAR,
HOUSE NO.1717 A/29, BUND ROAD,
THYKOODOM WEST, VYTTILA, ERNAKULAM-682 019.

BY P.P. SRI.GIKKU JACOB.

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 08/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Tr.P.(Cri).NO. 100 OF 2006

Dated this the 8th day of December, 2006

ORDER

The petitioner, whose identical application for transfer has been dismissed by this Court as per order dated 28/6/06 in Tr.P.(Cri) No.2/06, has again come to this Court repeating the same prayer. The petitioner is the de facto complainant/wife who has made allegation against her husband and relatives of their having committed the offence punishable under Sec.498A of the IPC. Before the Judicial Magistrate of the First Class, Ambalapuzha, Annexure-C – C.C.No.252/05 is pending and the accused there are the relatives of the husband. The husband is not an accused in that case. Another Bench of this Court, after detailed consideration, came to the conclusion that the prayer for transfer is without any merit. Subject of course to appropriate directions to allay the apprehension of the petitioner, that petition for transfer was dismissed as per order dated 28/6/06.

2. The petitioner has now come to this Court again with a renewed request for the same transfer on the ground that

the prosecution initiated by her against the husband has been charge sheeted and is pending before the Additional Chief Judicial Magistrate, Thiruvananthapuram. The petitioner now prays that the case at Ambalapuzha may be transferred to the court at Thiruvananthapuram.

3. I find absolutely no justification in the prayer, similar prayer having already been rejected by this Court. The learned counsel for the petitioner then submits that the case pending before the Thiruvananthapuram court may be transferred to the Ambalapuza court. But admittedly the accused in the case now pending before the Additional Chief Judicial Magistrate, Thiruvananthapuram, has not entered appearance. I am satisfied that there are absolutely no reasons which would justify the prayer for transfer now.

4. This Crl.M.C. is, in these circumstances, dismissed. The learned Judicial Magistrate of the First Class, Ambalapuza must make every attempt to dispose of the case as expeditiously as possible.

5. The Registry shall communicate this order to both courts.

Sd/-

(R. BASANT, JUDGE)

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//true copy// P.S. To Judge